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Paper No. 11

In re Application of
Thomas Falone *et al*
Application No. 10/067,594
Filed: February 5, 2002
Attorney Docket No. IGC-PT002

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: DECISION ON PETITION
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This is a decision on the petition filed by facsimile transmission on December 18, 2003 by which petitioners request withdrawal of the examiner's holding that this application stands abandoned for failure to file a reply to the Office letter dated May 12, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because a timely reply to the Office letter in question was in fact filed. Petitioners have supported this allegation by submitting a copy of the reply, a copy of a petition for a three month extension of time and a fee authorization, and a copy of a filing receipt for the reply showing that these items were received in the Office on November 12, 2003, a date within the reply period set by the Office letter in question, as extended. Based upon this showing, it is clear that this application is not abandoned. In addition, Office financial records show that the extension fee was in fact received.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner to refund the additional \$475.00 extension of time fee charged on December 19, 2003 which duplicates the previously charged extension fee. Thereafter, the application will be forwarded to the examiner for action on the reply filed on November 12, 2003.

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

Creed Fund Total:

\$475.00

Refund
03/12/2004
0039014862

Adjustment date: 03/12/2004 EHILLER

12/19/2003 LWOND:111 00000088 10067594

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-475.00 OP

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